

REMARKS/ARGUMENTS

By way of this response, Applicant has amended paragraph [001] on page 1 of the specification to identify the patent number of the U. S. Patent that has matured from USSN 10/227,010.

As a result of the amendments made to the claims, there remains but a single independent claim (claim 1) and fourteen dependent claims based on claim 1, namely, dependent claims 2-10, 12, 13, and 15-17. Original independent claim 18 has been canceled, as have original dependent claims 11 and 14.

Original independent claim 1 has been amended to recite the subject matter of original dependent claim 14, the latter claim being deemed "allowable" by the Examiner if written in independent form and in a manner to overcome a Section 112 rejection directed thereto. As noted above, original dependent claims 11 and 14 have now been canceled, since the subject matter of these dependent claims is now embodied in amended claim 1. Since all dependent claims depend from the allowed claim 1, these claims should be allowable (from a patentability standpoint) if only for the reason that claim 1 is allowable.

To overcome the Section 112 of original dependent claim 14 (the subject matter of which is now incorporated in amended claim 1), Applicant has identified "where" the diffusing element 66 is located, i.e., "on the optical axis" at a location to diffuse the light beam after it has served to irradiate the blood cells and particles passing through the optical flow cell. As is evident from the disclosure, the light-diffusing element 66 is part of the axial light loss detector 32, best shown in FIG. 4.

As regards the Section 112 rejection of original dependent claim 15, Applicant has amended this claim to clarify that the diffusing element is not located within the bore hole, but rather is positioned to diffuse the light beam after the beam has passed through the bore hole. Owing to the relatively small size of the bore hole, collimated light can readily pass through it whereas diffused light, having no directionality, cannot pass back through it with any significant intensity. As amended, Applicant submits that claims 1 and 15 satisfy the requirements of Section 112.

Regarding the Section 112 rejection of original dependent claim 6, Applicant has amended this claim to cure the noted antecedent support problems.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application should now be ready for allowance. In the event the Examiner would wish to discuss any aspect of this application with Applicant's attorney, the latter may be contacted by phone at 305-380-3636.

Respectfully submitted,

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Date

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